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ESTABLISHMENT OF NUCLEAR-WEAPON-FREE ZONES ON THE BASIS OF ARRANGEMENTS FREELY ARRIVED AT AMONG THE STATES OF THE REGION CONCERNED

Working paper submitted by Mongolia

A. Principles of establishing a single-State nuclear-weapon-free zone

- Total absence of nuclear weapons or parts thereof on the territory of the zonal State;

- Adoption of a legally binding document;

- General agreement freely arrived at with the neighbouring and nuclear-weapon States;

- Non-existence of territorial or border disputes with neighbouring States;

- Effective verification and control arrangement;

- Recognition of the zone as such by the General Assembly.

B. Elements of a model agreement on single-State nuclear-weapon-free zones

- Preamble: usage of terms ("territory", "nuclear weapons", "nuclear material", "nuclear installation", "stationing", etc.);

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- Definition of principal obligations of parties to the agreement, including of neighbouring and nuclear-weapon States:

(a) Zonal State - pledge of non-possession and non-stationing of nuclear weapons;

(b) Neighbouring States - respect of and support for the zone, complying with the provisions of the agreement, non-dumping of nuclear weapons in the vicinity of the zone;

(c) Nuclear-weapon States - non-stationing of nuclear weapons, refraining from any action that could lead to violation of the status of the zone, pledge of non-use or threat to use nuclear weapons against the zonal State, pledge of assistance in case of an attack or threat thereof;

- Peaceful nuclear activities;

- Administrative/institutional mechanism;

- Control system (international inspection, implementation of the International Atomic Energy Agency (IAEA) safeguards, etc.);

- Reporting, exchange of information;

- Consultations;

- Complaints;

- Amendment of the agreement;

- Signature, ratification;

- Declarations, reservations;

- Entry into force.

C. Stages of consideration of the guidelines for creating single-State nuclear-weapon-free zones

- Defining the scope and elements of single-State nuclear-weapon-free zones (1997);

- Elaboration of the principles and elements of the guidelines (1998);

- Finalization and adoption of the guidelines (1999).

D. Commitments made by nuclear-weapon States in connection with Mongolia's declaration of its territory a nuclear-weapon-free zone

Russian Federation

1. "The Russian Federation will respect Mongolia's policy of not admitting the deployment on and transit through its territory of foreign troops, nuclear and other weapons of mass destruction."[1]

2. "As is known, in 1992 Mongolia declared itself a nuclear-weapon-free zone. The United States, the People's Republic of China, the United Kingdom of Great Britain and Northern Ireland and recently France have made statements pledging to respect this status of Mongolia.

"For its part Russia, like other nuclear Powers, intends to respect the nuclear-free status of Mongolia.

"It should be noted that the position of Russia on this issue has been reflected in the Treaty on Friendly Relations and Cooperation with Mongolia of 20 January 1993. Its article 4 reads, inter alia, as follows:

> 'The Russian Federation will respect Mongolia's policy of not admitting the deployment on and transit through its territory of foreign troops, nuclear and other weapons of mass destruction.'"[2]

China

1. "The People's Republic of China welcomes and supports Mongolia as a nuclear-weapon-free State and will respect its policy of turning its territory into a nuclear-weapon-free zone. The People's Republic of China has already pledged not to use or threaten to use nuclear weapons against nuclear-weapon-free zones or States. This pledge applies to Mongolia as well."[3]

2. "The Chinese side reiterated once again its respect for Mongolia's independence, State sovereignty, territorial integrity as well as for its nuclear-weapon-free status. The People's Republic of China has expressed its respect for Mongolia's policy aimed at not admitting the deployment on and

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[1] Article 4 of the Treaty on Friendly Relations and Cooperation between Mongolia and the Russian Federation of 20 January 1993.

[2] Excerpts from the statement made on 1 March 1994 by the spokesman of the Foreign Ministry of the Russian Federation. (Translation from the Russian.)

[3] Excerpts from the statement made on 22 October 1993 by the spokesman of the Foreign Ministry of China. (Translation from the Mongolian.)

transit through its territory of foreign troops, nuclear and other weapons of mass destruction."[4]

United States of America

1. "The Government of the United States commends the Government of Mongolia on its demonstrated adherence to the principles of the 1968 Treaty on the Non-Proliferation (NPT) of Nuclear Weapons, to which Mongolia and the United States are parties, and on its decision in this spirit to declare Mongolia a nuclear-weapon-free zone. In this connection, we also welcome Mongolia's decision to support the indefinite extension of the NPT in 1995."

2. "In adhering closely to the letter and spirit of the NPT, Mongolia, as a non-nuclear sovereign State friendly to the United States, benefits from the United States' commitment to seek Security Council assistance for non-nuclear-weapon States who are members of the NPT in the event of a nuclear attack on them, and from U.S. assurances that it would not use nuclear weapons against a non-nuclear State not allied with a nuclear-weapon State. We note that other nuclear-weapon States have provided similar assurances.

"If Mongolia ever faces a threat and decides to refer the matter to the United Nations Security Council, the United States, along with other members of the Council, would consider appropriate steps to be taken."[5]

United Kingdom of Great Britain and Northern Ireland

"Her Majesty's Government commends the Government of Mongolia on her decision to declare Mongolia a nuclear-weapon-free zone, which reaffirms Mongolia's commitment to the principles of the Nuclear Non-Proliferation Treaty (NPT).

"Mongolia benefits from the security assurances that the United Kingdom offers to all non-nuclear-weapon States who are members of the Non-Proliferation Treaty, whereby the United Kingdom undertakes to seek immediate Security Council action to provide assistance, in accordance with the Charter of the United Nations to any non-nuclear-weapon State party to the NPT that is a victim of an act of aggression or an object of a threat of aggression in which nuclear weapons are used.

"The United Kingdom also reaffirms its assurance to all non-nuclear-weapon States party to the NPT and other internationally binding commitments not to manufacture or acquire nuclear explosive devices, that the United Kingdom will not use nuclear weapons against such States, including Mongolia, except in the case of an attack on the United Kingdom, its dependent territories, its armed

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[4] Excerpts from Mongolian-Chinese press statement of 29 April 1994. (Translation from the Mongolian.)

[5] United States Embassy and Department of State press releases of October and December 1993.

forces or its allies by such a State in association or alliance with a nuclear-weapon State."[6]

France

"The Republic of France welcomes the decision of the Government of Mongolia to declare Mongolia a nuclear-weapon-free zone, thus reiterating its obligations under the Non-Proliferation Treaty.

"France reaffirms with regard to Mongolia its earlier declaration made with regard to States that do not possess nuclear weapons and that have pledged not to acquire them, not to use nuclear weapons against them, except in case of aggression, in association or alliance with a nuclear-weapon State, against France or against a country that maintains a security arrangement with France.

"France, which supports the objective of an indefinite and unconditional extension of the Non-Proliferation Treaty, welcomes the decision of Mongolia to the same effect."[7]

E. Expression of support for the Mongolia nuclear-weapon-free zone by the Non-Aligned States

1. "They [the Heads of State and Government] welcomed the unilateral declaration by Mongolia of its territory as a nuclear-weapon-free zone as a commendable contribution to regional stability and confidence-building."[8]

2. "The Ministers welcomed the effort of Mongolia to institutionalize its status as a nuclear-weapon-free zone."[9]

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[6] Statement made on 1 November 1993 by the Government of the United Kingdom of Great Britain and Northern Ireland.

[7] Excerpts from the statement made on 24 January 1994 by the Ministry of Foreign Affairs of France. (Translation from the French.)

[8] Excerpt from the Final Document of the Cartagena Conference of Heads of State or Government of the Movement of Non-Aligned Countries, 18-20 October 1995.

[9] Excerpts from the Final Document of the New Delhi Ministerial Conference of the Movement of Non-Aligned Countries, 6-8 April 1997.

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GUIDELINES ON CONVENTIONAL ARMS CONTROL/LIMITATION AND DISARMAMENT, WITH PARTICULAR EMPHASIS ON CONSOLIDATION OF PEACE IN THE CONTEXT OF GENERAL ASSEMBLY RESOLUTION 51/45 N

Working paper submitted by South Africa

The South African approach to conventional arms control

1. It is not just the threat that is constituted by all weapons of mass destruction and their means of delivery that is of serious concern to the Government of South Africa, but also the build-up of conventional weapons beyond a level that can be considered legitimate for the purposes of self-defence. Conventional weapons are the source of most of the death and suffering caused in conflicts around the world today. The proliferation and illicit trafficking in conventional arms curtail the rebuilding and prosperity of society which is gained from various peace and democratization initiatives. To address these concerns the South African Cabinet approved an Interim Arms Control Policy on 30 August 1995.

2. The policy that has been approved by the Cabinet makes provision for a ministerial controlling committee - the National Conventional Arms Control Committee (NCACC) - guiding principles and guidelines, and an organizational structure for processing transactions, which will have the controlling function. There will also be an independent inspectorate. The organizational structure established by the Cabinet comprises four accountable levels of responsibility, namely:

- An initial permit application technical processing level;

- A multi-departmental review and recommendation process on permit applications;

- A scrutiny and recommendation process by the Directors-General of the relevant government departments;

- A control, policy and decision-making authority, which is a Cabinet-approved Committee of Ministers, the NCACC. There are eight Cabinet Ministers and four Deputy Ministers serving on the Committee.

This procedure and structure ensures that the authority over arms trade and transfer policies is vested in the collective ministerial leadership of the NCACC, which is accountable to the Cabinet.

3. In developing this policy, the following factors were given emphasis:

- That the reduction of world military expenditures could have a significant positive impact for the social and economic development of all peoples;

- That all sovereign countries have the inherent right of self-defence in terms of the Charter of the United Nations;

- That any transferred arms are not used in violation of the purposes and principles of the Charter of the United Nations;

- That an excessive and destabilizing arms build-up poses a threat to national, regional and international peace and security; that sales to countries in war-prone regions should continuously be evaluated and reviewed to limit the possible escalation of regional conflict;

- The need to effectively control the transfer of arms and related technologies; and

- To support and provide data and information as required by the United Nations resolution establishing the Register of Conventional Arms.

4. Besides the above, the following political, technical, social, humanitarian and economic factors are taken into account so as to ensure that due restraint is exercised in the transfer of arms and related technologies:

- Respect for human rights and fundamental freedoms in the recipient country;

- An evaluation based on the Universal Declaration of Human Rights and the African Charter on Human and People's Rights; due consideration will be given especially in cases where the political, social, cultural and legal rights are seriously and systematically violated by the authorities of that country;

- The internal and regional security situation in the recipient country, in the light of existing tensions or armed conflicts;

- The record of compliance of the recipient country with regard to international arms control agreements and treaties;

- The nature and cost of the arms to be transferred in relation to the circumstances of the recipient country, including its legitimate security and defence needs and the objective of the least diversion of human and economic resources for armaments;

- The degree to which South Africa's arms sales are supportive of its national and foreign interests.

5. The goal of South Africa is to avoid transfers and trade in arms that would be likely:

- To be used for the violation or suppression of human rights and fundamental freedoms;

- To contravene South Africa's international commitments, in particular its obligations under arms embargoes adopted by the Security Council and other arms control agreements or responsibilities in terms of internationally accepted custom;

- To endanger peace by introducing destabilizing military capabilities into a region, or otherwise contribute to regional instability and negatively influence the balance of power;

- To be diverted within the recipient country or re-exported for purposes contrary to the aims of these policies;

- To have a negative impact on South Africa's diplomatic and trade relations;

- To support or encourage terrorism;

- To be used for purposes other than the legitimate defence and security ends of the recipient country; and

- To contribute to the escalation of regional conflicts.